

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NELSON MARTINEZ,
Petitioner,

v.

BARRY SMITH, *et al.*,
Respondents.

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CIVIL ACTION NO. 20-5886

ORDER

AND NOW, this 4th day of January, 2022, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Scott W. Reid, and Petitioner's objections thereto, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for writ of habeas corpus is **DISMISSED** without an evidentiary hearing; and
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.